

Milwaukee County Personnel Review Board
Meeting Minutes – September 13, 2016

I. Roll Call

Board vice president Rufino Gaytán III called to order the regular meeting of the Personnel Review Board at 9:02 a.m. on Tuesday, September 13, 2016, in Room 203-R of the Milwaukee County Courthouse.

The following Board Members were present: Ms. Melissa Soberalski, Mr. Greg Renz, Ms. Mary K. Bruno and Mr. Rufino Gaytán III. Mr. Daniel Dennehy was excused.

II. Approval of the Minutes of the August 30, 2016 Meeting

This matter was laid over until after Item VIII. Mr. Renz moved, Ms. Soberalski seconded, and the Board voted (4-0) to approve the minutes of the August 30, 2016 meeting.

III. Communications and/or comments from the public, if any

None.

IV. Correspondence

None.

V. First Appearances

A. DISCHARGES

THADDEUS SMITH, CORRECTION OFFICER I, HOC

Case #2-4351 dated 08/26/2016 for HOC IA #16-119B

The Board heard the report of Thaddeus Smith, who was present, that he wished to resign from his position in County Service. The Board received a copy of the resignation. The Board accepted the resignation of Thaddeus Smith and closed this case.

BRIAN FOX, DEPUTY SHERIFF I, SHERIFF

Case #2-4352 dated 08/30/2016, IA #16-057

Case #2-4353 dated 08/30/2016, IA #16-089

The Board heard the report of Attorney Graham Wiemer that Brian Fox, who was not present, waived his right to a hearing within 21 days and is requesting a hearing certain. Attorney Carrie Theis, Assistant Corporation Counsel, requested that IA #16-089 be continued for hearing certain on November 22, 2016 and IA#16-057 be continued for hearing certain on December 6, 2016. Attorney Wiemer concurred. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), continued the matters for hearing certain on November 22, 2016 and December 6, 2016.

VANIA RIDLEY, CORRECTION OFFICER I, SHERIFF

Case #2-4354 dated 08/30/2016 for IA #16-109

Case #1-4355 dated 08/30/2016 for IA #15-159

The Board heard the request of Vania Ridley, who was present, that she waived her right to a hearing within 21 days and requested a hearing certain. Attorney Carrie Theis, Assistant Corporation Counsel, requested the matters be continued for hearing certain on October 11, 2016. Ms. Ridley concurred. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), continued the matters for hearing certain on October 11, 2016.

B. SUSPENSIONS

MATTHEW STORY-BROWN, CORRECTION OFFICER I, SHERIFF

Case #1-4356 dated 08/30/2016 for IA #16-126 for 15-days

(See Item VII.A. below)

JENNIFER MATTHEWS, CORRECTION OFFICER I, SHERIFF

Case #1-4357 dated 08/30/2016 for IA #16-106 for 5-days

The Board heard the report of Attorney Carrie Theis, Assistant Corporation Counsel, that Jennifer Matthews, who was not present, submitted a signed waiver of hearing on the Notice of Suspension. The Board received a copy of the waiver. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), accepted the waiver and closed this case.

DERRICK WILLIAMS, CORRECTION OFFICER I, SHERIFF

Case #1-4358 dated 08/30/2016 for IA #16-107 for 10-days

The Board heard the report of Attorney Carrie Theis, Assistant Corporation Counsel, that Derrick Williams, who was not present, submitted a signed waiver of hearing on the Notice of Suspension. The Board received a copy of the waiver. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), accepted the waiver and closed this case.

VI. Updates

ANTHONY MOFFETT, CAPTAIN, SHERIFF

Case #2-4157 dated 09/24/2014 for IA #14-078

The Board heard the report of Attorney Molly Zillig, Assistant Corporation Counsel, that Anthony Moffett's application for disability retirement is pending review by the Pension Board. Attorney Zillig requested the matter be continued for an update on November 22, 2016. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), continued the matter for an update on November 22, 2016.

VICTORIA MIKULA, DEPUTY SHERIFF I, SHERIFF

Case #2-4348 dated 08/08/2016 for IA #16-136

Case #1-4347 dated 08/08/2016 for IA #15-187 for 10-days

The Board heard the status report of Attorney Graham Wiemer that settlement discussions had ceased in these matters. Attorney Wiemer requested the matters be continued for hearing certain on November 22, 2016. Attorney Molly Zillig, Assistant Corporation Counsel for the appointing authority, concurred.

Attorney Wiemer argued that while other matters concerning Ms. Mikula are currently pending before the Board, it is not appropriate for the Board to take any action on the instant charges. Attorney Wiemer suggested alternately that the Wisconsin Employment Relations Commission (WERC) hear the most recent matters. Attorney Molly Zillig argued that the Personnel Review Board, by statute, is the proper body to hear the current matters and that historically the Board has heard multiple cases for an employee in a short timeframe. The Board noted Attorney Wiemer's argument and decided to proceed with Ms. Mikula's instant charges.

Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), continued the matters for hearing certain on November 22, 2016.

VII. Hearings

A. SUSPENSION

MATTHEW STORY-BROWN, CORRECTION OFFICER I, SHERIFF

Case #1-4356 dated 08/30/2016 for IA #16-126 for 15-days

At 3:30 p.m., Ms. Bruno moved, Ms. Soberalski seconded, and the Board voted 4-0 to go into closed session to deliberate on the Matthew Story-Brown, Kenya Jenkins and Terry Schmit matters and to review and finalize the Mikula Findings on remand. At 4:21 p.m., the Board reconvened in open session.

Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), found the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraphs (l) and (q), and upheld the 15-day suspension.

B. DISCHARGES

KEITH KERWIN, MANAGER, PROGRAM ASSESSMENT PROPERTY, DAS

Case #2-4344 dated 08/03/2016

The Board heard the report of Attorney Carrie Theis, Assistant Corporation Counsel, that Keith Kerwin, who was not present, resigned from his position in County Service. The Board received a copy of the resignation. The Board accepted the resignation of Keith Kerwin and closed this case.

KENYA JENKINS, ENGINEERING TECHNICIAN, DOT

Case #2-4341 dated 07/21/2016

At 3:30 p.m., Ms. Bruno moved, Ms. Soberalski seconded, and the Board voted 4-0 to go into closed session to deliberate on the Matthew Story-Brown, Kenya Jenkins and Terry Schmit matters and to review and finalize the Mikula Findings on remand. At 4:21 p.m., the Board reconvened in open session.

Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), found the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraphs (l), (t) and (u), and upheld the charges for discharge.

**TERRY SCHMIT, DEPUTY SHERIFF I, SHERIFF
Case #2-4337 dated 06/22/2016 for IA #16-024**

At 3:30 p.m., Ms. Bruno moved, Ms. Soberalski seconded, and the Board voted 4-0 to go into closed session to deliberate on the Matthew Story-Brown, Kenya Jenkins and Terry Schmit matters and to review and finalize the Mikula findings on remand. At 4:21 p.m., the Board reconvened in open session.

Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), found the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraph (l), however the Board did not find a violation of Civil Service Rule VII, Section 4(1), paragraph (bb).

The Board, by unanimous vote (4-0), determined that the evidence did not demonstrate just cause for discharge and, instead, imposes a suspension, without pay through January 3, 2017, and that Terry Schmit be reinstated on January 4, 2017.

VIII. Review and Finalize Mikula Findings on Remand

At 3:30 p.m., Ms. Bruno moved, Ms. Soberalski seconded, and the Board voted 4-0 to go into closed session to deliberate on the Matthew Story-Brown, Kenya Jenkins and Terry Schmit matters and to review and finalize the Mikula Findings on remand. At 4:21 p.m., the Board reconvened in open session.

IX. Adjournment

Mr. Renz moved, Ms. Bruno seconded, and the Board, by unanimous vote (4-0), adjourned the meeting at 4:23 p.m.

Minutes submitted by: Alisha Terry, PRB/Ethics Board Administrative Assistant